

**AGENDA SUMMARY PAGE**

**RECOMMENDING COMMITTEE MEETING OF: OCTOBER 16, 2007**

**DEPARTMENT: CITY ATTORNEY**

**DIRECTOR: BRADFORD R. JERBIC**

☐ Consent ☒ Discussion

**SUBJECT:**

NEW BILL

Bill No. 2007-59 – Authorizes the recordation of notices of zoning action advising property owners and others of the existence of zoning conditions, requirements and limitations, and adds a mechanism for the review of conditions that have been imposed in connection with zoning approvals. Sponsored by: Councilman Steve Wolfson

**Fiscal Impact**

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No Impact

☐

Augmentation Required

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Budget Funds Available

**Amount:**

**Funding Source:**

**Dept./Division:**

**PURPOSE/BACKGROUND:**

This bill will authorize the recordation of notices of zoning action advising property owners and others of the existence of zoning conditions, requirements and limitations. Many times such items are difficult to enforce because subsequent owners and occupants are unaware of their existence, and recordation of these notices will remedy that situation. The bill will also add to the zoning regulations a specific mechanism for the review of conditions that have been imposed in connection with zoning approvals.

**RECOMMENDATION:**

This bill should be submitted to a Recommending Committee for review, hearing and recommendation to the City Council for final action.

**BACKUP DOCUMENTATION:**

Bill No. 2007-59

Motion made by RICKI Y. BARLOW to Approve as a Do Pass

Passed For: 2; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

LOIS TARKANIAN, RICKI Y. BARLOW; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-None)

Minutes:

COUNCILWOMAN TARKANIAN declared the Public Hearing open.

CHIEF DEPUTY CITY ATTORNEY STEED stated that this bill authorizes the Planning

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Department to record zoning action notices with a property. Many times new property owners have indicated they were not aware of conditions imposed on the zoning, variance or special use permit. This mechanism would put people on notice of any action that has occurred. The action would be recorded with the County Recorder's Office and would show up as a matter of title for title and escrow companies to identify. Secondly, the bill establishes a review-of-condition process to indicate the application process, notice the public, a pre-application conference, and as well as authorize the decision-maker to impose conditions and a written notice will be given to the applicant or agent. MARGO WHEELER, Director of the Planning and Development Department, added that this will follow with a separate fee resolution that would indicate the fees for the different actions.

STACEY TRUESDELL, Attorney, Jones Vargas, 3373 Howard Hughes Parkway, verified with MS. WHEELER that the proposed bill would generate a generic notice that will be recorded against the property for informational purposes. ATTORNEY TRUESDELL asked if the bill could be amended to include the recordation of the conditions because many lenders require local counsel to review titles, and something like this might cause concerns to out-of-state lenders not familiar with the City's procedures. If conditions are recorded, the burden would be on the title company to keep that information for out of state lenders, otherwise the City would be inundated with many requests. MS. WHEELER pointed out that recording the conditions would create a great deal of complications; a notice with a case number will be recorded, and it would be easy to access other specific details.

CITY CLERK BEVERLY BRIDGES added that the form will also have the parcel number associated with the case, the property owner of record at the time of recordation, as well as the entire application title and number. Additionally, the notice will be signed by the City Clerk's Office after action by the City Council.

CHIEF DEPUTY CITY ATTORNEY STEED pointed out that the reason it was decided not to record all the conditions is that every time someone wanted to buy a property it would show up in the title. If a condition were asked if satisfied, the lender would have to file every time such a request is made for a specific condition.

ATTORNEY TRUESDELL asked if the City would have records that would indicate whether or not a specific condition was satisfied. MS. WHEELER replied that there is no special inspection fee. Any lender requiring that information would have to verify it by doing the research. The purpose of the ordinance is to protect and inform potential property buyers of the conditions attached. CITY CLERK BRIDGES interjected that the conditions will be available on-line according to City Council meeting date.

TED RUSSELL, Las Vegas resident, stated that a woman found out after the death of her husband that he had built a recreation room and spa on their property without a permit. She then sold the property to a friend without telling him/her that the structure was built without a building permit. Therefore, he supported the proposed ordinance.

COUNCILWOMAN TARKANIAN declared the Public Hearing closed.